

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE:	)	
	)	
A&R CHAVIRA, LLC,	)	Case No. 23-30067-HCM
	)	Chapter 11
Debtor.	)	

**APPLICATION TO EMPLOY MIRANDA & MALDONADO, P.C.  
AS COUNSEL FOR THE BANKRUPTCY ESTATE  
PURSUANT TO 11 U.S.C. §327(a)**

**THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO  
YOUR INTERESTS.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-ONE (21) DAYS  
FROM THE DATE OF SERVICE, THE RELIEF REQUESTED HEREIN  
MAY BE GRANTED WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO  
BE HELD.**

TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY  
JUDGE:

COME NOW A&R CHAVIRA, LLC ("A&R") Debtor and Debtor-in-Possession in  
this Chapter 11 proceeding ("A&R") and files its *Application to Employ Miranda &  
Maldonado, P.C. as Counsel for the Bankruptcy Estate Pursuant to 11 U.S.C. §327(a)*  
(the "*Application*"). In support of its *Application*, the Debtor would respectfully show the  
Court as follows:

**I. PROCEDURAL BACKGROUND**

1. A&R filed a Voluntary Petition for Relief under Chapter 11 of Title 11, USC, the United States Bankruptcy Code (the "Code") on January 24, 2023 (the "Petition Date").
2. A&R is a used car dealership in El Paso, Texas. It remains in possession of its assets and continues to operate and manage its business as a "Debtor-in-Possession"

under §§1107 and 1108 of the Code.

3. A&R has selected the Firm because it has experience in matters of this nature, and it believes that it is well-qualified to represent it as Debtor-in-Possession in this Chapter 11 proceeding.

4. The professional services to be performed by the Firm are those necessary to ensure that A&R complies with its duties as Debtor-in-Possession. These include but are not limited to the following:

- a). Giving the Debtor legal advice with respect to its powers and duties as Debtor-in-Possession and the continued operation and management of its business.
- b). Attending the Initial Debtor Conference and §341 Meeting of Creditors.
- c). Preparing necessary applications, answers, ballots, judgments, motions, notices, objections, orders, reports, and any other legal instrument necessary in furtherance of its reorganization.
- d). Reviewing prepetition executory contracts and unexpired leases entered by the Debtor and to determine which should be assumed or rejected.
- e). Assisting the Debtor in the preparation of a Disclosure Statement, the negotiation of a Plan of Reorganization with the creditors in its case, and any amendments thereto, and seeking confirmation of the Plan of Reorganization.
- f). Performing all other legal services for the Debtor which may become necessary to effectuate a reorganization of the Bankruptcy Estate.

5. It is necessary for A&R as Debtor-in-Possession to employ the Firm and its attorneys to perform the professional services described in **Paragraph 4(a) – 4(f)** above.

6. To the best of A&R's knowledge, the Firm has no connection with the creditors or any other party-in-interest, or their respective attorneys. See **Exhibit "A"** Affidavit of Disinterestedness, attached hereto and incorporated herein for all purposes.

7. It is necessary and essential that the Debtor-in-Possession be permitted to employ Miranda & Maldonado, P.C. with compensation as approved by the Court upon Fee Application filed not more frequently than once every 120 days.

8. This Firm represents no interest adverse to A&R as Debtor-in-Possession or to the Estate in matters upon which it is to be engaged by it, and A&R's employment of this Firm and its attorneys would be in the best interest of the Bankruptcy Estate.

9. The compensation paid or agreed to be paid to this Firm for services rendered or to be rendered on behalf of A&R in connection with this Chapter 11 Case, such payment or agreement having been made within one (1) year before the date of the filing of the Petition is as follows -

a). A Prepetition *Retainer* of **\$15,000**; and

b). Monthly payments during the pendency of this proceeding in the amount of up to \$2,500 (and as any cash collateral budget and order of this Court otherwise permit), with such funds to be deposited into the Firm's IOLTA Trust Account pending approval of any Interim or Final Fee Application and to be applied against an hourly rate of:

- \$325 for services performed by Carlos A. Miranda, Esq.;
- \$275 for services performed by Carlos G. Maldonado, Esq., and
- \$125 for *Legal Assistant*.

per hour, plus reimbursement of expenses, all of which are subject to the approval of the Court reduced by services rendered and expenses incurred prepetition. A copy of the Disclosure of Compensation required by Bankruptcy Rule 2016(b) and L. Rule 2016 is attached hereto as **Exhibit "B"**.

10. Counsel received the total prepetition amount of \$15,000. Of this amount, the funds were spent as follows:

- a). **\$1,738** was applied to the Chapter 11 *Filing Fee*;
- b). **\$79** was applied to *NextChapter* bankruptcy software; and
- c). **\$2,220.50** was applied to prepetition legal services.

The remaining prepetition *Retainer* is now **\$10,962.50**.

**WHEREFORE**, the Debtor prays for the following:

- 1. That the employment of Miranda & Maldonado, P.C., to represent the Debtor in this case be approved by this Court; and,
- 2. For all further relief as the Debtor may show itself entitled.

**DATED:** January 26<sup>th</sup>, 2003.

Respectfully submitted,

**A&R Chavira, LLC**

/s/ Alex Chavira  
Alex Chavira, *President*

**CERTIFICATE OF SERVICE**

I, Carlos A. Miranda, Esq., do hereby certify that on January 26, 2023, a true and correct copy of the *Application to Employ Miranda & Maldonado, P.C., as Counsel for the Bankruptcy Estate* was served, by electronic mail as provided by this Court's ECF System to the following Parties: Office of the U.S. Trustee, Office of the U.S. Trustee, San Antonio, TX 78295-1539 and the attached *Matrix*.

/s/ Carlos A. Miranda, Esq.

Carlos A. Miranda, Esq.

Carlos G. Maldonado, Esq.

Attorney for the Debtor

City of El Paso  
c/o Don Stecker  
Weston Centre, 112 E. Pecan St., Ste.  
22  
San Antonio, TX 78205-1588

Internal Revenue Service (IRS)  
Centralized Insolvency Office  
P. O. Box 7346  
Philadelphia, PA 19101-7346

Libertas Funding, LLC  
411 West Putnam Ave Suite 220  
Taftville, CT 06380

Suncoast Funding  
141 NE 3rd Avenue  
Suite 100  
Miami, FL 33132

Texas Comptroller of Public Accounts  
Revenue Accounting Div - Bankruptcy  
P.O. Box 13528  
Austin, TX 78711-3528

Texas Workforce Commission  
TWC Building - Regulatory Integrity Divi  
101 East 15th Street  
Austin, TX 78778

United States Attorney General  
Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, DC 20530

United States Attorney, Civil Process  
Clerk  
Department of Justice  
601 N. W. Loop 410, Suite 600  
San Antonio, TX 78216

United States Trustee's Office  
615 E. Houston, Ste. 533  
P.O. Box 1539  
San Antonio, TX 78295-1539